

In The United States District Court  
For The District Of New Jersey

The United States Of America )

)

Plaintiff,

) Case No. 18 cr 505(RBK)

)

v.

RECEIVED

APR 29 2019

Kenneth Crawford, Jr.,

AT 8:30  
WILLIAM T. WALSH, CLERK

Defendant.

Motion to Dismiss / Quash

Comes now Kenneth Paul Crawford Jr., Sui Juris, appearing specially, supplemental rule Federal Rules of Civil Procedure (SFACP) Rule (E)8 "Restricted Appearance", in the original, in the alternative, as a matter of right and privilege. Defendant has not entered the jurisdiction of the court and is therefore appearing specially and not generally. Plaintiff does not object to this position pursuant to Rule 8(d). The court lacks jurisdiction over the person of Kenneth Paul L. Crawford Jr. Sui Juris and Alieni Juris, respectively.

2: This is a motion to dismiss the instant action for insufficiency of process, the plaintiff's failure to state a claim on which relief can be granted, and lack of personal jurisdiction. The defendant also moves to quash the indictment and all purported evidence originating from the "investigation" of Criminal Investigation Division agent Christine Barker.

### Background

3. The defendant in this action was sent a target letter on or about February 2018 which was responded to, via notary presentment, requesting lawful positions of authority to investigate. That notice /communication was not answered. Respondents were CID Chief Don Fort and John N. Kane, Jr. Assistant Chief, U.S. Dept. of Justice Tax Division. Shortly thereafter was a proffer meeting which was fruitless. Then an alleged indictment input into this court 29 August 2018 which lead to the arrest of the defendant on 31 August 2018. On 10 September the undersigned entered an affidavit as the response to the indictment which has not been rebutted. In said affidavit are approximately 34 lawful positions including but not limited to Jurisdiction, status, and requests. When approximately sixty (60) days had passed several notices were sent as followup to the moving party with no response which according to the language in the notices created a stipulation via tacit acquiescence. However the moving party has continued the proceedings to date as if no verified record filed by defendant in this docket exists. Not only that but the defendants bail was revoked and has been incarcerated since 6 March 2019.

## Discussion

4. This Motion, as best as possible under the current circumstances, requires the court to take judicial notice of the relevant factors presented that will demonstrate good cause why the instant case should be dismissed with prejudice.

5. This court has been created by Congress and has been given limited jurisdiction to perform duties specifically delegated by Congress. I found this revelation in 28 U.S.C. Rule 54(c), Application of terms:

"As used in these rules the following terms have the designated meanings. 'Act of Congress' includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession." 28 U.S.C. contains the "Rules of Courts". They were written by and approved by the Justices of the Supreme Court.

6. In reviewing or deciding on Congressional grants of authority courts have decided in Sohio Trasp. Co. v. United States 5 Cl CT 620 766 F.2d 499 (1984) "Administrative interpretation of Congressional grant of authority is to be accorded substantial deference by reviewing courts; administrative interpretations of statutory authority are entitled to deferential but not controlling significance, particularly where Congress expressly delegates to administrative

body authority to prescribe standards for agency action."

7. Also in Title 5 § 706 Scope of review you will find the following:

"To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, and determine the meaning or applicability of the terms of an agency action. This reviewing court shall-

(1) Compel agency action unlawfully withheld or unreasonably delayed; and  
(2) hold unlawful and set aside agency action, findings, and conclusions found to be-

(A) arbitrary, capricious, or abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) without observance of procedure required by law... "

"In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error."

8. The point is that statutes are created by Congress to be followed. The statutes delegate authority to the various agency's to follow. No agency can do what Congress does not give it authority to do. And if an agency goes beyond its statutory authority it is the courts that are to keep them in check.

9. We now come to the "agency" who is or has brought the purported claim to the Department Of Justice Tax Division to prosecute the defendant in this instant action. Upon some research it is factual that on June 6, 1972, Acting Secretary of the Treasury (Secretary) Charles E. Walker signed Treasury Order Number 120-01 which established the Bureau of Alcohol, Tobacco and Firearms, under the authority in Reorganization Plan No. 26 of 1950 and his authority. He ordered "... transfer, as specified herein, the functions, powers and duties of the Internal Revenue Service arising under laws relating to alcohol, tobacco, firearms, and explosives (including the Alcohol, Tobacco, and Firearms Division of the Division of the Internal Revenue Service) to the Bureau of Alcohol, Tobacco and Firearms (hereinafter referred to as the Bureau) which is hereby established. The Bureau shall be headed by the Director, Alcohol, Tobacco and Firearms

(hereinafter referred to as the Director). The Director shall perform his duties under the general direction of the Secretary of the Treasury (hereinafter referred to as the Secretary) and under the supervision of the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations) (hereinafter referred to as the Assistant Secretary)."

T.O. Treasury Order 120-01 assigned to the new BATF Chapters 51, 52, and 53 of the Internal Revenue Code of 1954 and Sections 7652 and 7653 of such Code, Chapters 61 through 80 inclusive of the Internal Revenue Code of 1954, the Federal Alcohol Admin. Act (27 U.S.C. chapter 8) (which, in 1935, the Supreme Court had declared unconstitutional within the several States of the Union) 18 U.S.C. Chapter 44, Title VII Omnibus Crime Control and Safe Streets Act of 1968. Mr. Walker then makes a statement within T.O. 120-01 that is very revealing:

"The terms 'Director, Alcohol, Tobacco and Firearms Division' and 'Commissioner of Internal Revenue' wherever used in regulations, rules, and instructions, and forms, issued or adopted for the administration and enforcement of the laws

Specified in paragraph 2 hereof, which are in effect or in use on the effective date of this Order, shall be held to mean 'the Director.'

11. Mr. Walker seemed to branch the Internal Revenue Service (IRS), creating the BATF, and then, with that statement, joined them back together again into one. In the Federal Register, Volume 41, Number 180, of Wednesday, 15 September 1976 : "The term 'Director, Alcohol, Tobacco, and Firearms Division' has been replaced by the term 'Internal Revenue Service'." See also 27 U.S.C.A. Section 201. In 27 U.S.C. § 201 it states "Federal Alcohol Administration and offices of members and Administrator thereof were abolished and their functions directed to be administered under direction and supervision of the Secretary of the Treasury through Bureau of Internal Revenue (now I.R.S.) in department of Treasury by Reorganization Plan No. 3 of 1940 which appears as 5 U.S.C. 903, the Department of the Treasury Order No. 221 of July 1, 1972 established the Bureau of Alcohol, Tobacco and Firearms and transferred to it the alcohol and functions of the IRS.

12- Another interesting fact is that the Secretary of the Treasury is also the Governor of The International Monetary Fund (IMF) in which the United States holds about 20% of the stock in this private corporation. (See 22 USCA § 286 et seq.) According to the rule of common law the injured party alone is permitted to sue for a trespass, the damages being deemed not legally assignable; and if there be an equitable claimant, he may only sue in the name of the injured party. In admiralty, however, the common practice is to have the suit conducted in the names of the real parties in interest. And when a statute of the United States so provides, an action for the use or benefit of another shall be brought in the name of the United States. F.R. Civ. P. 17. "The district courts are prohibited from granting venue where the United States has less than one-half of its capital stock..." of the United States Principal the Fund and Bank. 28 U.S.C. § 1349; The government by becoming a corporator. (See: 28 U.S.C. § 3002 (15)(A)(B)(C), 22 USCA 286(e)) lays down its sovereignty and takes on that of a private citizen, it can exercise no power which is not derived from the corporate charter. (See: The Bank of the United States)

v. Planters Bank of Georgia 6 L Ed. (Wheat) 244; U.S. v. Burr. 309 U.S. 242). The Real Party in interest is not the de jure "United States of America" or "State", but "The Bank" and "The Fund." (22 USCA 286 et seq.). The acts committed under fraud, force and Seizure are many times done under "Letters of Marque and Reprisal" i.e. "recapture". (See 31 USCA 5323). Such principles as "Fraud and Justice never dwell together." Wingate's Maxims, 680. and, "A right of action cannot arise out of fraud." Broom's Maxims, 297, 729.

13. It is my contention that the plaintiffs entire case from its inception has been under color of law and not actual Congressional authority which makes all involved liable conspirators. 26 U.S.C. § 7214 Offenses by Officers and employees of the United States.

(a) Unlawful acts of revenue officers or agents. Any officer or employee of the United States acting in connection with any revenue law of the United States -

(1) who is guilty of any extortion or willful oppression under color of law; . . . . Shall be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both . . . The court also shall render judgment against said

Officer or employee for the amount of damages sustained in favor of the injured party, to be collected by execution. Also See Davis v United States (1980, DC Mass) "Revenue officer who practices extortion or willful oppression under color of law is guilty of a crime." Also civilly an officer may be charged under 42 U.S.C. § 1983 "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws; suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purpose of this section, any act of Congress applicable exclusively to the District of Columbia shall be a statute of the District of Columbia.

14. "It is the policy of the Department of Justice to represent Federal employees sued for acts taken in performance of their official duties under authority of 28 USC § 517,518; where employees are not acting within the scope of their authority there is no statutory authority for representation by D.O.J. nor reimbursement for representation by private attorney. (1978) 57 Comp.Gen 444"

15. Clearly agents of the Federal government must have clear and valid statutory authority to act when investigating, prosecuting and incarcerating Americans in the several Union states. So where does the authority come from? Obviously Statutes but the Statutes have regulations implementing them. When reviewing tax statutes it is important to view the supporting Code of Federal Regulations (CFR) that are the underlying authority for the title. It is customary for the IRS to cite, penalties and interest on a supposed tax debt under 6651(a), 6662 of Title 26; however, upon review these penalty provisions we find that they have to do with the manufacture and distribution of machine gun parts, alcohol or tobacco products. For years the IRS has listed a kind of tax - "1040" - on their forms. A review of 26 U.S.C reveals that this kind of tax relates to the non-taxable transfer

of certain farm land. Taxpayers out of ignorance get assigned penalties and interest under the provisions set forth pursuant to 27 CFR, part 70. This defendant has reviewed the IRS Code and finds that there are approximately 123 different "kinds of tax" defined. However, "1040" is not listed. It is the defendant's position that the American People including this defendant should support their government and pay all lawful taxes. But when people within government abuse power entrusted to them it is the responsibility of We, the People, to resist corruption, fraud and theft.

16. As stated regulations implement statutes and here are some legal opinions stating so:

Lohman v United States (2006, DC Dist Col)  
"Regulations, such as 26 C.F.R. § 301.7433-1, implementing 26 USCS § 7433's exhaustion provision were valid exercise of Internal Revenue Service's authority..."

Taylor Wine Co. v Department of Treasury (1981 DC Dist Col) 509 F Supp 792 "Department of Treasury exceeded its statutory authority by holding plaintiffs accountable for potential confusion of individuals who consume other

wines where nothing in 27 U.S.C.S. §205, regulations or their interpretation of statute or regulations prohibiting plaintiffs from describing their wine as "light"...." Also

See Coggins v. United States 860 F Supp 845 (1994, MD Ga) "Forfeiture claimant in default is not entitled to Federal District Court review under Admin. Procedure Act (APA) (5 USCS §701 et seq.), where seizing agency provided adequate notice of forfeiture proceedings... because Federal Forfeiture Statutes and regulations implementing them provide ample basis for litigating propriety of particular seizure..."

In Boeing v. United States (2003) 537 US 437, 155 L Ed 2d 17 "Secretary of the Treasury's authority to decide whether parent corp. particular tax deductible expenditure was sufficiently related to its export sales to qualify as indirect cost in computation of combined taxable income, and regulations implementing 26 USCS §994(a) did not speak to how or whether particular research cost should have been allocated and apportioned." In Title 26 U.S.C. §168 Accelerated Cost Recovery System - History; Ancillary Laws and directives - P.L. 99-514, Sec. 1802(a)(2)(G),...." Prior to deletion, clause (j) (5)(c)(iv) reads as follows: ... (ii) which is placed in service after the date on which final regulations implementing such

determination are published in the Federal Register!"

17. It is clear that regulations created by Congress and published in the Federal Register are what implements the statutes that are in the indictment in this instant case. These statutes are what give federal officers and agents authority and lack thereof. Such was the issue in Johnson v. United States 71 Fed Appx 65 "Court granted United States Summary Judgment on implied-in-fact contract theory claim brought by executrix of tax payers estate to recover tax refund even though agent of IRS had sent letter allowing refund where any recovery was constrained by time limitation in 26 USC § 6511(b)(2)(B) as claim had been brought outside time limitation, and letter apparently allowing claim in contravention of that time limitation was void ab initio as outside agents statutory authority."

18. The Supreme Court in Helvering v. Safe Deposit & Trust Co. (1938, CA) 95 F.2d 806 states "as general rule, regulation of executive department passed under statutory authority, is valid, but regulation

which operates to create rule out of harmony with Statute is mere nullity." Also see Helvering v. Sabine Transp. Co. (1943) 318 US 306, 87 L Ed 773 "Treasury Regulation which is contradictory of plain terms in Revenue act cannot be given effect." . . . "Congress itself in §27 subsection (a)(4), 26 USCA Internal Revenue Acts 1940 ed p 1021, defined the term "indebtness" and the Treasury Department is not at liberty to add or restrict the meaning of the term." In Executive Order No. 13789 of April 21, 2017, 82 Fed. Reg 19317 the President in Section 2 "Addressing Tax Regulatory Burdens. (a) In furtherance of the policy described in Section 1 of this order, the Secretary of the Treasury (Secretary) Shall immediately review all significant tax regulations issued by the Department of the Treasury on or after January 1, 2016, and in consultation with the Admin. of the Office of Information and Regulatory Affairs, OMB, identify an interim report to the President all such regulations that: (i) impose an undue financial burden on U.S. taxpayers; (ii) add undue complexity to the federal tax laws; or (iii) exceed the statutory authority of the IRS..."

In Yannicelli v Nash 354 F Supp 143

"Revenue collection proceedings are not immune from judicial interference under 26 USCS § 7421 if such proceedings are exercised in excess of statutory authority granted to IRS and in violation of Constitutional rights."

19. In light of the foregoing it is apparent that jurisdictional authority is granted to Agency's of the federal government via regulations and statutes, which must be in harmony with the Constitution for the United States of America. No one in government is allowed to do anything unless they have been given specific, written authority in the law, or else someone who has been given authority, specific written authority in the law, or else someone who has been given authority in the law gives that person a delegation of authority order, spelling out exactly what they can and cannot do under that specific authority or order.

20. The organization of the Department of the Treasury can be found in 31 United States Code, Chapter 3. Under Subchapter I. Organization, all Constitutional bureaus are listed that are delegated bureaus of the Department of the Treasury. The Bureau of Internal Revenue, the Internal Revenue Service, or the

Bureau of Alcohol Tobacco and Firearms are not listed. There is also evidence that the Bureau of Internal Revenue, Internal Revenue, internal revenue, Internal Revenue Service, the Bureau of Internal Revenue Service, internal revenue service, Official Internal Revenue Service, the Federal Alcohol Administration, Director Alcohol Tobacco and Firearms Division, and the Bureau of Alcohol Tobacco and Firearms are all one organization.

21. What is the point? Well these entities were not created by Congress and are not organizations or agencies of the Department of the Treasury, or of the Federal government. They appear to have been created and operate through pure trusts, the Philippine special fund (internal revenue) Trust fund #2 and the Puerto Rico Trust #62 (Internal Revenue) see 31 USC 1321. The Secretary of the Treasury wears many hats as he is not only the delegated officer to head the Department of the Treasury, part of the federal government, but he is also the Governor of the International Monetary Fund. And history tells us that former Secretary Lloyd Bentsen not only held these positions but also U.S. Governor of the International Bank for Reconstruction and Development,

U.S. Governor of the African Development Bank, U.S. Governor of the Asian Development Bank, U.S. Governor of the African Development Fund, and U.S. Governor of the European Bank for Reconstruction and Development. Mr. Bensten received a salary from each of these organizations which literally made him an unregistered agent of several foreign powers. However despite the foregoing the job the Secretary does for the American People comes with a delegation of authority from Congress. in Title 26 § 7801 Authority of Department of the Treasury we find:

- (a) Powers and duties of Secretary.
  - (1) In general. Except otherwise expressly provided by law, the administration and enforcement of this title shall be performed under the supervision of the Secretary of the Treasury.
  - (2) Administration and enforcement of the following provisions of this title shall be performed by or under the supervision of the Attorney General; and the term "Secretary" or "Secretary of the Treasury" shall, when applied to those provisions, mean ~~any~~ of the Attorney General; and the term "internal revenue officer" shall when applied to those provisions, mean any officer of the Bureau of Alcohol Tobacco and Firearms and Explosives so designated by the Attorney General;

(i) Chapter 53 [26 USC § 5801 et seq.] Machine guns, destructive devices, and certain other firearms.

(ii) Chapters 61 through 80 [26 USC §§ 6001 et seq. through 7801 et seq.] Procedures and Administration, to the extent such chapters relate to the enforcement and administration of the provisions referred to in clause (i). (See Treasury Order 120-01). So the charge against the defendant in the indictment 26 USC § 7212(a) falls under this authority.

22. In my Affidavit of 10 September 2018 which remains unrebutted, and affirmed, I made a claim that the Treasury (CI) agent Christina Barker did not have any delegated authority to conduct any investigation of the defendant. All of the alleged charges stem from individual income tax claims on forms 1040 and 1099 misc. regarding personal tax returns. There is not one allegation that the defendant nor any party in the indictment is or was involved with the business of Alcohol, Tobacco, Firearms and Explosives. Ms. Barker's pocket Commission bears an E for enforcement and this authority comes directly from <sup>11</sup> 26 USC § 7608 Authority of internal revenue enforcement officers.

(a) Enforcement of Subtitle E and other laws pertaining to liquor, tobacco, and firearms.

Any investigator, agent, or other internal revenue officer by whatever term designated, whom the Secretary charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of subtitle E [26 USC § 5001 et seq.] or any other law of the United States pertaining to the commodities subject to tax under such subtitle for the enforcement of which the Secretary is responsible may -

- (1) carry firearms;
- (2) execute and serve search warrants, and serve subpoenas and summonses issued under authority of the United States;
- (3) in respect to the performance of such duty, make arrest without warrant for any offenses against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and
- (4) in respect to the performance of such duty make seizures of property subject to forfeit to the United States." See United States v. Sterling, 369 F.2d 799 (1966 3<sup>rd</sup> Cir) "With the appellant in unobstructed access to Agent Sams and dealing in mobile commodities with the means of ready transportation at hand, Agent Sams was justified in making entry to arrest in accordance with his authority

granted by 26 U.S.C. § 7608 (b)(2)(B).<sup>11</sup> Also see United States v. Boston 330 F.2d 937 (2nd Cir.) "Moreover 26 U.S.C. § 7608 (a)(4) gives the agents the power to make seizures of property subject to forfeiture to the United States as was the unregistered still under 26 U.S.C. § 5615(1)."  
It is the defendants position that agent Christina Barker did not have jurisdiction to investigate the defendant and that any and all results of unauthorized investigation were improperly used to indict the defendant. I am certain that Ms. Barker nor the prosecuting attorney informed the grand jury of her limited statutory authority and that the investigation did not comprise any subject matter, i.e. Alcohol, Tobacco, Firearms and Explosives that she is authorized to investigate. Therefore the indictment is not a true bill. It must be quashed. The manual states on page 1100-40.2, of April 21, 1989 Criminal Investigation Division, that... "...the Criminal Investigation Division enforces the criminal statutes applicable to income, estate, gift, employment, and excise tax laws... involving United States citizens residing in foreign countries and nonresident aliens subject to Federal income tax filing requirements by developing information concerning alleged

ruling of the United States Court of Appeals for the seventh circuit, in 1 F.3d 1511; 1993 U.S. App. Lexis 19747, where the court ruled in United States v. D. J. Vollmer & Co. that the BATF has jurisdiction over the first sale of a firearm imported to the country, but no jurisdiction over subsequent sales. In Title 26 § 7608 again clearly states the lawful authority for CID agents. In United States v. Viale 312 F.2d 595 (2<sup>nd</sup> Cir. 1962) "The government can point to no federal statute authorizing agents employed 'for the administration and enforcement of the internal revenue laws; 26 USC 7803(a), as these agents were to make an arrest... unless authority can be found in 26 USC 7608 and frankly admits there is some question whether this section is applicable to the enforcement of the wagering tax laws. We hold that the section is not applicable." So if the CID/BATF/IRS agents don't have authority statutorily to enforce wagering tax laws where did Christina Barker get the authority to investigate the defendant, arrest, and incarcerate, indict and prosecute? With no evidence or even a claim that the defendant was or is involved in the business of Alcohol, Tobacco, Firearms and Explosives.

criminal violations thereof, evaluating allegations and indications of such violations to determine investigations to be undertaken, investigating suspected criminal violations of such laws, recommending prosecution when warranted, and measuring effectiveness of the investigation process..."

23. Most of the Code is administered by the Bureau of Alcohol, Tobacco, and Firearms, including Chapters 61 through 80, which is enforcement. In addition, 27 C.F.R. is BATF, and states in subpart B, Definitions, 250.11, Meaning of terms: "United States Bureau of Alcohol, Tobacco, and Firearms Office - Bureau of Alcohol, Tobacco, and Firearms office in Puerto Rico." Every person who is being prosecuted by the Internal Revenue Service, has a code on their IMF which puts them in "tax class 6" which designates that they have violated a law relating to alcohol, tobacco, or firearms, in Puerto Rico. The BATF has no venue or jurisdiction within the borders of any of the 50 States of the United States of America (the "Union"), except in pursuit of an importer of contraband alcohol, tobacco, or firearms who failed to pay the tax on those items. As proof, refer to the July 30, 1993,

24. Furthermore in Title 31 § 321(d)(1)+(2) the statute clearly states:

"(d)(1) The Secretary of the Treasury may accept, hold, administer and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible with the terms of the gift or bequest.

(2) For [the] purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States." It becomes clear now why none of the criminal revenue regulations implementing statutes involve American citizens "wages" in the several Union states. The taxes on their wages are considered gifts to the United States.'

I do realize that there are legions of court decisions incarcerating Americans for refusing to gift a portion of their wages to the Treasury, however I submit that it's a result of presumption on both

the American People and the Courts. Again I have no problem with supporting my government, however when its agents abuse their authority under color of law and cause irreparable injury to me personally then it is my right to speak out and employ every remedy at my disposal.

25. Before any "criminal" action can be taken against this defendant there must be due process statutorily and procedural. A presumption is a legal inference or assumption that a fact exists, based on the known or proven existence of some other fact or group of facts. Most presumptions are rules of evidence calling for a certain result in a given case unless the adversely affected party overcomes it with other evidence. (Blacks law 7th) Due process is the conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing... (Blacks law 7th) My private rights are God granted and protected by the Constitution for the United States of America. Agents of the federal government must take an oath because of this principle. However in this action

the judge wouldn't admit on the record that he would uphold his oath during the last hearing, and wouldn't answer the question if I was entitled to a fair and impartial hearing stating I needed to ask my standby counsel to answer questions of law. And the prosecution team has ignored the question if they have taken an oath of office entirely.

26. How can the BATF/IRS CID agent uphold her oath to enforce and protect my private rights, which she swore or affirmed to do, when she withheld from the grand jury that she has no statutory authority to present any facts to them related to the defendant as she has no jurisdiction regarding the defendant? To me that sounds like perjury, or dishonesty at the very least. And how can the federal attorney from D.O.J. Tax division present facts from an unauthorized investigation by agent Christina Barker to the grand jury knowing that she has no statutory authority? And to make matters worse in Supart M-Tax Division Title 28 C.F.R. §.70 Judicial administ. Department of Justice Tax Division .70 General Instructions - "The following functions are assigned to and shall be conducted, handled, or supervised by, the

Assistant Attorney General, Tax Division  
(Richard E. Zuckerman):

(a) Prosecution and defense in all courts, other than the tax court, of civil suits, and the handling of other matters, arising under the internal revenue laws, and litigation resulting from the taxing provisions of other Federal statutes (except civil forfeiture and civil penalty matters arising under laws relating to liquor, narcotics, gambling, and firearms assigned to the Criminal Division by §. 55(d)).

(b) Criminal proceedings arising under the internal revenue laws, except the following: Proceedings pertaining to misconduct of I.R.S. personnel, to taxes on liquor, narcotics, firearms, coin-operated gambling and amusement machines, and to wagering, forcible rescue ~~Seized...~~ (26 U.S.C. 7212 (b)), corrupt or forcible interference with an officer or employee acting under the Internal Revenue laws (26 U.S.C. 7212(a)). "(Emphasis mine) Did the prosecution team inform the grand jury that the Supreme Court Justices that wrote this regulation forbid them to prosecute one of the charges they included in the indictment? Now I understand why the prosecutor did not verify charges under oath under pains and penalties of perjury.

Apparently the prosecuting attorneys "forgot" that they do not have jurisdiction to charge the defendant with 26 U.S.C. 7212(a). And Ms. Barker "forgot" that her authority only relates to Alcohol, Tobacco and Firearms tax crimes, So they didn't tell the grand jury. And neither plan to to tell the proposed jury these facts.

27. The United States Attorney's Manual, Title 6 Tax Division, Chapter 4, page 16, October 1, 1988, 6-4.270, Criminal Division Responsibility, States:

"The Criminal Division has limited responsibility for the prosecution of offenses investigated by the I.R.S. Those offenses are: excise violations involving liquor tax, narcotics, stamp tax, firearms, wagering, and coin-operated gambling and amusement machines; Malfeasance offenses committed by IRS personnel; forcible rescue of seized property; corrupt or forcible interference with an officer or employee acting under the internal revenue laws; . . . .

See C.F.R. Sec. 0.70." Furthermore research demonstrates that the Department of Justice, when representing IRS, operates in an alter ego on behalf of what is described as the "General Authority" established under treaties on private international law (28 C.F.R. 0.50), and that state

district Courts, via the various adopted acts implemented by the States, accommodate private international law (See "conflict of laws" as a subcategory to "statutes" in American Jurisprudence 2d).

28. In addition to the foregoing jurisdiction geographically of the United States and federal employees is limited to the District of Columbia and United States territories, and therefore have no jurisdiction or force of law in Atlantic County, New Jersey. In a government work published in 1957 titled, "Jurisdiction Over Federal Areas Within States: Report of Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within States," the committee stated: "The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction - by state consent under Article I, Section 8, clause 17. Justice McLean suggested that the Constitution provided sole mode for transfer of jurisdiction, ~~can~~ and, that if this mode is not pursued, no transfer of jurisdiction can take place." Also see People v. Hammond, 1 Ill.2d 65, 115 N.E.2d 331 (1953) United States et al v. Schwalby Court of Civil Appeals Texas, Nov. 23 1894 Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992)

Conclusion

29. For the foregoing reasons this action should be dismissed immediately, and the defendant's private property returned.

Any other result will be a waste of valueable public resources, Peoples time, and allow the Moving party to continue to violate the defendants private rights, and continue to damage the defendant.

Respectfully,

Kenneth Paul Crawford Jr,  
Authorized Representative

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Attn: Clerk

